

## REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-3, 8-13, 18, and 20 are allowed. Claims 1-3, 8-13, 18, and 20-21 are pending and under consideration.

This amendment is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding.

### Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because the amendment does not alter the scope of the claims and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

### **I. Rejections under 35 U.S.C. § 102**

In the Office Action, at pages 2-3, claim 21 was rejected under 35 USC § 103(a) as being unpatentable over Fatehi (U.S. Patent No. 6,600,581) in view of Barozzi (U.S. Patent No. 6,941,079).

Withdrawal of this rejection is respectfully requested because it is submitted that Barozzi does not qualify as prior art against claim 21 of the present application. Barozzi has a filing date of May 24, 2001. The present application claims priority to Japanese patent application no. 2001-145853, which was filed on May 16, 2001. Therefore, it is submitted that Barozzi does not qualify as prior art against claim 21 of the present application. A verified English translation of Japanese patent application no. 2001-145853 is submitted herewith for the Examiner's convenience.

**II. Allowable Subject Matter**

Applicant's appreciate the Examiner's indication that claims 1-3, 8-13, 18, and 20 are allowed.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

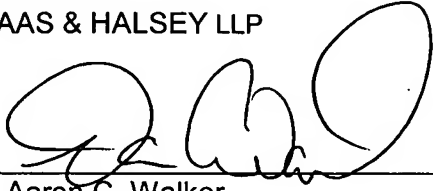
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 4-6-09

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